IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

| LEE ANDER HALL | § | |
|---------------------|----------|----------------------------|
| v. | § | CIVIL ACTION NO. 6:13cv682 |
| RICK THALER, ET AL. | § | |

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE ON DISMISSAL OF DEFENDANTS THALER, STEPHENS, BERGER, AND WILLIAMS

The Plaintiff Lee Ander Hall, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

An evidentiary hearing was conducted, after which the magistrate judge issued a report recommended dismissal of the claims against the defendants Rick Thaler, William Stephens, Larry Berger, and Officer Williams. Hall received a copy of the report but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined that the report of the magistrate judge is correct. *See* United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the report of the magistrate judge (docket no. 18) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's claims against the Defendants Rick Thaler, William Stephens, Larry Berger, and Officer Williams are **DISMISSED** with prejudice as frivolous. The dismissal of these Defendants shall have no effect upon the remainder of the Plaintiff's claims in this case.

SIGNED this 13th day of October, 2015.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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